

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

SUSANNA MIRKIN and BORIS MIRKIN,
Individually and on Behalf of All Others
Similarly Situated,

Plaintiffs,

v.

XOOM ENERGY, LLC and XOOM
ENERGY NEW YORK, LLC,

Defendants.

No. 18 Civ. 2949 (ARR) (JAM)

ORAL ARGUMENT REQUESTED

NOTICE OF XOOM'S MOTION
TO EXCLUDE PLAINTIFF'S UNTIMELY EXPERT DISCLOSURES

PLEASE TAKE NOTICE that, upon Defendants' Memorandum of Law in Support of Motion to Exclude Plaintiff's Untimely Expert Disclosures and the accompanying Declarations of Michael D. Matthews, Jr. and David Coleman and Exhibits thereto, Defendants XOOM Energy, LLC and XOOM Energy New York, LLC move to exclude from evidence the opinions contained in CRA's Amended Expert Report dated May 10, 2024, in its entirety.

Dated: May 30, 2024

MCDOWELL HETHERINGTON LLP

/s/ Michael D. Matthews, Jr

Michael D. Matthews, Jr.

Diane S. Wizig (admitted *pro hac vice*)

James M. Chambers (admitted *pro hac vice*)

David L. Villarreal (admitted *pro hac vice*)

Netra Sreeprakash

Justin Chapa (*pro hac* forthcoming)

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*Attorneys for Defendants XOOM Energy, LLC
and XOOM Energy New York, LLC*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on the 30th day of May, 2024 via email on all counsel of record.

/s/Michael D. Matthews, Jr.
Michael D. Matthews, Jr.